

HOUSE BILL NO. 491

INTRODUCED BY N. BIXBY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO MONITOR WATER QUALITY IN WATER BODIES WHEN TWO OR MORE FACILITIES ARE AUTHORIZED TO DISCHARGE COAL BED METHANE-PRODUCED WATER INTO THE SAME OR CONNECTED WATER BODIES; AMENDING SECTIONS 75-5-602 AND 75-5-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5-602, MCA, is amended to read:

"75-5-602. Power to require monitoring. ~~In (1) Except as provided in subsection (2),~~ in order to carry out the objectives of this chapter and to effectively monitor the discharge of sewage, industrial wastes, and other wastes into state waters, the department may require the owner or operator of any point source, or the owner or operator of any facility that discharges into a municipal sewage system and to which pretreatment standards promulgated under this chapter apply, to:

~~(1)(a)~~ establish and maintain records;

~~(2)(b)~~ make reports;

~~(3)(c)~~ install, use, and maintain monitoring equipment or methods, including biological monitoring techniques;

~~(4)(d)~~ sample effluents using specified monitoring methods at designated locations and intervals;

~~(5)(e)~~ provide other information as may be reasonably required by the department.

(2) When two or more facilities are authorized to discharge coal bed methane-produced water into the same or connected water bodies, through point source discharge permits or otherwise, the department shall sample the volume and monitor the quality, including electrical conductivity and sodium adsorption ratio, of water being discharged from each facility. The department may hire a contractor to conduct the sampling and monitoring or otherwise delegate the responsibility. Any delegation of sampling or monitoring may not be given to an owner or operator of the discharge facility being monitored or any other person that may have a conflict of interest. The department shall establish mandatory requirements for uniform sampling, monitoring, and

1 reporting."

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3 **Section 2.** Section 75-5-603, MCA, is amended to read:

4 **"75-5-603. Power to inspect.** The authorized representative of the department, upon presentation of
5 ~~his~~ the representative's credentials, may at reasonable times enter upon any public or private property to:

6 (1) investigate conditions relating to pollution of state waters or violations of permit conditions;

7 (2) have access to and copy any records required under this chapter;

8 (3) inspect any monitoring equipment or method required under ~~75-5-602(3)~~ 75-5-602(1)(c); and

9 (4) sample any effluents ~~which~~ that the owner or operator of ~~such~~ the source is required to sample
10 under ~~75-5-602(4)~~ 75-5-602(1)(d)."

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12 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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